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February 21, 2012

**Via Electronic Submission**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: ***Notice of Oral Ex Parte Communication***  
***IB Docket No. 11-149***

Dear Ms. Dortch:

This letter is to supplement the information provided during a recent meeting of Grant Spellmeyer, Executive Director – Federal Affairs & Public Policy, United States Cellular Corporation, Joseph R. Hanley, Vice President - Technology Planning and Services, Telephone and Data Systems, Inc., Roberto Yanez, Director, Radio Frequency Engineering, United States Cellular Corporation, Justin W. Lilley, Telemedia Policy Corp. and the undersigned with Rick Kaplan, James D. Schlichting and Paul E. Murray of the Wireless Telecommunications Bureau.

During the course of the foregoing meeting, we requested that that in the event the DISH waiver requests in IB Dkt No 11-149 are granted that Commission approval be conditioned to impose transaction-specific conditions that require DISH subsidiary Manifest Wireless LLC to operate its 6 MHz of Lower 700 MHz spectrum (Block E) consistent with the limits set forth in Section 27.50(c), excluding Subsection 27.50(c)(7) and be subject to downlink only transmission and other interference mitigation restrictions imposed under the FCC's AT&T/Qualcomm Order.

The attached supplemental information is being provided in support of the foregoing request with respect to the scope of the conditions which should be imposed and how these proposed conditions relate to interoperability in the Lower 700 MHz band.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please let us know if you have any questions regarding this filing.

Respectfully submitted,

  
George Y. Wheeler

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## DISH Waiver Requests (Engineering)



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## USCC response to questions posed by FCC

Should the commission apply the same conditions to DISH as were applied in the ATT-QCom transaction?

USCC's review of the ATT-QCom Order identified the conditions summarized below:

1. AT&T must operate on the newly acquired Qualcomm spectrum under the same power limits and antenna height restrictions that apply to the Lower 700 MHz A and B Block licensees
2. AT&T may not use these licenses for uplink transmissions
3. AT&T's operations on the newly acquired Qualcomm spectrum in areas in which they do not hold the Lower A, B or C Block license are conditioned on obligations to avoid interference to the operations of those Lower A, B or C Block licensees
4. AT&T may not configure its network so that the supplemental downlink technology creates a barrier to roaming under the Commission's existing roaming rules

USCC proposes that in the event the DISH waiver requests are granted that the Commission approval be conditioned to impose the same requirements to DISH subsidiary Manifest Wireless LLC Lower 700 MHz E-Block Holdings





## USCC response to questions posed by FCC

Describe how the proposed conditions on the Lower 700 MHz E-Block relate to interoperability?

- Without the requested conditions, the potential exists for Manifest's use of the Lower 700 MHz E-Block spectrum to interfere with planned operations in Band 12 of the Lower 700 MHz spectrum band. This potential has been cited by some parties to prevent the use of Band 12. The application of the proposed conditions to the 168 E-Block licenses held by Manifest would substantially harmonize the power, height other operating parameters for the Lower 700 MHz band providing a way forward towards wide spread adoption of Band 12
- The potential for interference from high power operations on the Lower E Block has been cited as the rationale behind the adoption of Band 17. By adopting the proposed conditions and eliminating the possibility of high power operations on the Lower E Block, the interference mitigation provided by Band 17 becomes unnecessary. As a result, interoperability within the Lower 700 MHz band could be initiated by the development of LTE devices supporting both Band 12 and Band 17 within the Band 12 device framework.